

01/24/02



J1138 U.S. PTO

**UTILITY
PATENT APPLICATION
TRANSMITTAL**

(For new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.

N1427-005

First Inventor

Ibert C. WELLS

Title Method for Detecting Deficient Cellular Membrane Tightly Bound Magnesium for Disease Diagnoses

☒ **Assignee Information:** Magnesium Diagnostics, Inc.
Omaha, Nebraska**APPLICATION ELEMENTS**

See MPEP chapter 600 concerning utility patent application contents.

ADDRESS TO: **Assistant Commissioner of Patents**
Box Patent Application
Washington, D.C. 20231

1. ☒ **Fee Transmittal Form**
(Submit an original, and a duplicate for fee processing)
2. ☒ Applicant claims small entity status.
3. ☒ **Specification** Total pages [25]
(preferred arrangement set forth below)
 - Descriptive title of the invention
 - Cross references to Related Applications
 - Statement Regarding Fed sponsored R&D
 - Reference to sequence listing, a table or a computer program listing appendix
 - Background of the Invention
 - Brief Summary of the Invention
 - Brief Description of the Drawings
 - Detailed Description
 - Claims
 - Abstract of the Disclosure
4. ☐ **Drawing(s)** (35 USC 113) (Total Sheets) []
5. ☒ **Oath or Declaration** (Total Pages) [2]
 - a. ☒ Newly executed (original or copy)
 - b. ☐ Copy from a prior application
(37 CFR 1.63(d))
(for continuation/divisional with Box 17 completed)

[Note Box 5 below]

- i. ☐ **DELETION OF INVENTOR(S)**
Signed statement attached deleting inventor(s) named in the prior application,
6. ☒ **Application Data Sheet.**

7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program
8. Nucleotide and/or Amino Acid Sequence Submission
 - a. ☒ Computer Readable Form (CRF)
 - b. Specification Sequence Listing on:
 - i. ☐ CD-ROM or CD-R (2 copies); or
 - ii. ☒ paper
 - c. ☒ Statement verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

9. ☒ Assignment Papers (cover sheet & document(s))
10. ☐ 37 CFR 3.73(b) Statement
(when there is an assignee)
 - ☐ Power of Attorney
11. ☐ English Translation Document (if applicable)
12. ☐ Information Disclosure Statement /PTO 1449
 - ☐ Copies of IDS Citations
13. ☐ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503)
(Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s).
16. ☐ Request and Certification under 35 U.S.C. 122(b)(2)(B)(i).
17. ☐ Other:

17. If a CONTINUING APPLICATION, check appropriate box and supply the requisite information below or in an application Data Sheet under 37 CFR 1.76:

☒ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: 09/265,690
Prior application information: Examiner P. Baskar Group/Art Unit 1645

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

☒ Customer Number or Bar Code Label **6449**

Address	Rothwell, Figg, Ernst & Manbeck Suite 701-East, 555 13th Street, N.W.				
City	Washington	State	D.C.	Zip Code	20004
Country	U.S.A.	Telephone	202-783-6040	Fax	202-783-6031
Name	Nancy T. Morris				
Signature	Nancy T. Morris			Date	January 17, 2002

1017 U.S. PTO
10/053669

01/24/02

FEE TRANSMITTAL (Small Entity)		Complete if Known	
		Application Number	10/
		Filing Date	
		First Named Inventor	Ibert C. WELLS
		Group Art Unit	To Be Assigned
		Examiner Name	To Be Assigned
Total Amount of Payment	\$395.00	Attorney Docket Number	N1427-005

METHOD OF PAYMENT (check one)

FEE CALCULATION (continued)

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any overpayment to Deposit Account Number 02-2135 in the name of Rothwell, Figg, Ernst & Manbeck

☒ Charge any Additional Fee Required Under 37 CFR 1.16 and 1.17

☐ Charge for the Issue Fee Set in 37 CFR 1.18 at the Mailing of the Notice of Allowance

2. ☒ Payment Enclosed: Check

FEE CALCULATION
1. FILING FEE

Fee Description	Fee Code	Fee Paid
<input checked="" type="checkbox"/> Utility Filing Fee	201	355
<input type="checkbox"/> Design Filing Fee	206	160
<input type="checkbox"/> Plant Filing Fee	207	245
<input type="checkbox"/> Reissue Filing Fee	208	355
<input type="checkbox"/> Provisional Filing Fee	214	75

SUBTOTAL \$355

2. CLAIMS

		Fee from Extra	below	Fee
Total Claims	20 - 20 =	x	\$9	= \$
Independent Claims	3 - 3 =	x	40	=
Multiple Dependent Claims		+	135	=

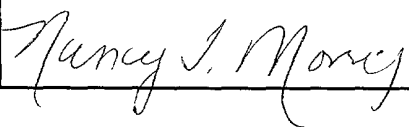
SUBTOTAL \$

3. ADDITIONAL FEES

Fee Description	Fee Code	Fee Paid
<input type="checkbox"/> Surcharge - late filing fee or oath	205	65
<input type="checkbox"/> Surcharge - late provisional filing fee or cover sheet	227	25
<input type="checkbox"/> Non-English specification	139	130
<input type="checkbox"/> For filing a request for reexamination	147	2,520
<input type="checkbox"/> Requesting publication of SIR prior to Examiner action	112	920
<input type="checkbox"/> Requesting publication of SIR after Examiner action	113	1,840*
<input type="checkbox"/> Extension for reply within first month	215	55
<input type="checkbox"/> Extension for reply within second month	216	195
<input type="checkbox"/> Extension for reply within third month	217	445
<input type="checkbox"/> Extension for reply within fourth month	218	695
<input type="checkbox"/> Extension for reply within fifth month	228	945
<input type="checkbox"/> Notice of Appeal	219	155
<input type="checkbox"/> Filing a brief in support of an appeal	220	155
<input type="checkbox"/> Request for Oral Hearing	221	135
<input type="checkbox"/> Petition to institute a public use proceeding	138	1,510
<input type="checkbox"/> Petition to revive - unavoidable	240	55
<input type="checkbox"/> Petition to revive - unintentional	241	620
<input type="checkbox"/> Utility issue fee (or reissue)	242	620
<input type="checkbox"/> Design issue fee	243	220
<input type="checkbox"/> Plant issue fee	244	300
<input type="checkbox"/> Petitions to the Commissioner	122	130
<input type="checkbox"/> Petitions related to provisional applications	123	50
<input type="checkbox"/> Submission of Information Disclosure Statement	126	240
<input checked="" type="checkbox"/> Recording each patent assignment per property (times number of properties)	581	40
<input type="checkbox"/> Filing a submission after final rejection (37 CFR 1.129(a))	246	355
<input type="checkbox"/> For each additional invention to be examined (37 CFR 1.129(b))	249	355
<input type="checkbox"/> Other fee (specify)		

* Reduced by Basic Filing Fee Paid

SUBTOTAL \$40

SUBMITTED BY		Complete (if applicable)			
NAME & REG. NUMBER	Nancy T. Morris, Reg. No. 42,017				
SIGNATURE		DATE	January 23, 2002	DEPOSIT ACCOUNT USER ID	

PATENT

ATTY. DOCKET N1427-005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Ibert C. WELLS

Serial No.:

10/

Filed:

Group Art Unit:

Examiner:

For:

**Method for Detecting Deficient Cellular Membrane
Tightly Bound Magnesium for Disease Diagnoses**

STATEMENT PURSUANT TO 37 CFR 1.821(f)

U.S. Patent & Trademark Office

Box Sequence

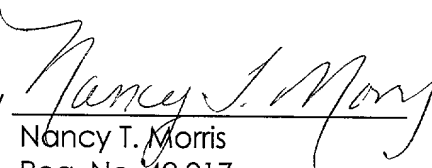
Washington, D. C. 20231

Dear Sir:

In the matter of the above-identified application, Applicant submits a computer readable form of the sequence listing submitted herewith. It is certified that the computer readable form is identical to the submitted paper copy.

Respectfully submitted,

By


Nancy T. Morris
Reg. No. 42,017

Dated: January 17, 2002
Rothwell, Figg, Ernst & Manbeck
555 13th Street NW, Suite 701-East
Washington, D.C. 20004
(402) 333-1550